

### **REMARKS**

Reconsideration of the application is respectfully requested.

Claims 1-5, 9, 11-15, 18-40, 47-52, and 56-66 have been rejected by the Examiner. In response, claims 1-2, 4-5, 9, 15, 21-22, 27, 29, 31, 35-36, 38, 47-52, and 56-66 have been amended, and claims 23-26 and 32-34 have been cancelled. Accordingly, claims 1-5, 9, 11-15, 18-22, 27-31, 35-40, 47-52, and 56-66 remain pending in the application.

Applicants appreciatively acknowledge the Examiner's consideration of the arguments filed on January 23, 2006, the Examiner's withdrawal of the objections to claims 62-63, and the Examiner's withdrawal of the rejections of claims 1, 31, and 51 under 35 U.S.C. §112, second paragraph.

### **Claim Rejections under 35 U.S.C. § 103**

To establish obviousness under 35 U.S.C. § 103, the Examiner must view the invention as a whole. Further, the Examiner is to perform the obviousness analysis in accordance with the standard set forth by the Supreme Court in *Graham v. John Deere Co.* That standard requires that the Examiner (1) determine the scope and content of the prior art; (2) ascertain the differences between the prior art and the claims in issue; (3) resolve the level of ordinary skill in the art; and (4) evaluate evidence of secondary considerations. 383 U.S. 1, 17-18 (1966); *see also* MPEP 2141. Secondary considerations include whether the invention met with commercial success, whether the invention answered a long felt need, and whether others attempting the invention have failed. *Graham*, 383 U.S. at 17-18. Further, in applying the *Graham* framework, the Examiner must consider the invention as a whole, without the benefit of hindsight. MPEP 2141.

In "Claim Rejections – 35 USC § 103," item 5 on page 2 of the above-identified final Office Action, claims 1-5, 9, 11-15, 18-40, 47-52, and 56-66 have been rejected as being unpatentable over U.S. Patent Application Publication No. 2002/0002643 A1 to *Yamamoto et al.*

(hereinafter “Yamamoto”) in view of U.S. Patent No. 6,295,441 to *Björkengren* (hereinafter “Björkengren”) under 35 U.S.C. § 103(a).

In response, Applicants have amended claims 1-2, 4-5, 9, 15, 21-22, 27, 29, 31, 35-36, 38, 47-52, and 56-66, and have cancelled claims 23-26 and 32-34. Accordingly, Applicants respectfully submit that the amendments place the rejected claims in condition for Allowance.

More specifically, amended claim 1 recites wireless mobile phone comprising:  
“a body casing having a plurality of surfaces;  
an input keypad disposed on a first surface of said body casing to facilitate entry of alphanumeric data;  
at least a first button disposed on a second surface of said body casing; and  
complementary logic in support of the at least first button to facilitate entry of alphanumeric data and user programmable phrases having one or more words, in encoded representations of a variable length encoding scheme using said at least first button, the variable length encoding scheme having a plurality of codes of various code lengths, with one or more of the plurality of codes having the shortest lengths reserved for the user programmable phrases.”

In contrast, the combination of Yamamoto and Björkengren fails to teach or suggest at least a variable length encoding scheme that reserves one or more of its shortest length codes for user programmable phrases. Yamamoto simply teaches a portable information terminal comprising a plurality of buttons facilitating the entry of alphanumeric data through Morse codes. Björkengren merely teaches a mobile device with an input button on a second surface of the mobile device. The entry of alphanumeric data through Morse Code, as taught by the combination of Yamamoto and Björkengren, simply does not suggest to one skilled in the art to reserve the shortest codes for entry of user programmable phrases having one or more words (as opposed to reserving the shortest codes for most frequently used letters), as is claimed by amended claim 1. The user programmable phrases allow wireless device users to quickly enter commonly/frequently used phrases through the shortest length codes in a variable length encoding scheme (even though statistically they might not be the most frequent). While the

Examiner correctly notes that the Morse Code of Yamamoto is a variable length encoding scheme. For reasons to follow, Morse Code simply cannot read on the variable length encoding scheme claimed by amended claim 1. In Morse Code, the two shortest length codes are reserved for the most frequently used characters 'T' and 'E.' Further, Morse Code does not reserve any codes for user programmable phrases, much less its shortest length codes. Accordingly, Morse Code, the only variable length encoding scheme taught by Yamamoto and Björkengren (with no programmability and shortest code reserved for most frequently used letters), simply does not suggest a variable length encoding scheme that is user programmable and allows reservation of one or more of its shortest length codes for user programmable phrases that are not necessarily the most frequently used.

Accordingly, amended claim 1 is patentable over Yamamoto and Björkengren, alone or in combination, under 35 U.S.C. §103.

Amended claims 21, 31, 47, 56, 60, and 62-64 recite limitations similar to those of amended claim 1. Accordingly, for at least the same reasons, amended claims 21, 31, 47, 56, 60, and 62-64 are patentable over Yamamoto and Björkengren, alone or in combination, under 35 U.S.C. §103.

Claims 2-5, 9, 11-15, 18-20, 22, 27-30, 35-40, 48-52, 57-59, 61, and 65-66 depend from claims 1, 21, 31, 47, 56, 60, and 64, incorporating their limitations respectively. Accordingly, for at least the same reasons, claims 2-5, 9, 11-15, 18-20, 22, 27-30, 35-40, 48-52, 57-59, 61, and 65-66 are patentable over the cited art under 35 U.S.C. §103.

### **Conclusion**

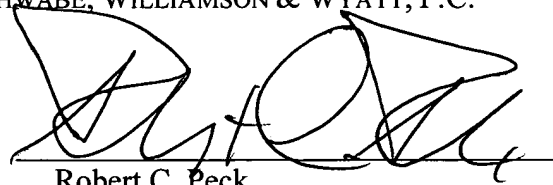
Applicants submit that all pending claims, claims 1-5, 9, 11-15, 18-22, 27-31, 35-40, 47-52, and 56-66, are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is

kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,  
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Date: June 1, 2006

by:

A handwritten signature in black ink, appearing to be "R. C. Peck", written over a horizontal line.

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